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LEGISLATIVE REFERENCE DEPARTMENT.

LAWS OF THE VARIOUS STATES

RELATING TO

PRESIDENTIAL PRIMARIES

FEBRUARY, 1912.

PRESIDENTIAL PRIMARIES.

Seven states now provide for presidential primaries and the direct election of delegates to national conventions, e. g., California, Nebraska, New Jersey, North Dakota, Oregon, South Dakota and Wisconsin.

The vital principles of all the laws are practically the same, that is, the securing of the sentiment of the electors as to the nominees for president and vice-president and the election of delegates known to favor the choice of the elector. In no state is the assent of the candidates for president or vice-president required for the placing of the name upon the primary ballot, the usual practice being the filing of a nominating petition by a given number of electors resident in the state, most of the laws providing a maximum and minimum number of signatures to such petitions. In all cases general laws are made to govern the regulation of primaries, counting, canvassing, returning, etc., of the votes.

The primaries this year (1912) in these seven states will be held on the following dates:

North Dakota, March 19th.

South Dakota, March 26th.

Wisconsin, April 2nd.

Nebraska, April 17th.

Oregon, April 19th.

California, May 14th.

New Jersey, May 20th.

A complete list of references to magazine and periodical articles upon this subject is on file in the Legislative Reference Room. Additions to this list are being constantly made.

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CALIFORNIA.

Laws of Special Session, 1911.

CHAPTER 18.

An Act to provide for the expression by the qualified electors of the several political parties of their choice for nomination by their party for president of the United States, and to provide for the election of the delegates of said political parties to their respective national conventions, and to call an election in conformity with the provisions of this act.

[Approved December 24, 1911.]

The people of the State of California do enact as follows:

SECTION 1. On Tuesday, May 14th, 1912, and on the second Tuesday in May of every fourth year thereafter, there shall be held a primary nominating election, to be known as the May presidential primary election, at which the qualified electors of the several political parties shall have opportunity, on separate party ballots provided for that purpose, to express their preference as to the nominees of their respective parties for president of the United States, and also to elect the delegates of their respective parties to their respective national conventions for the nomination of their party candidates for president and vice-president of the United States.

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SEC. 2. The names of the candidates for nomination as president of the United States shall be printed upon the ballots, upon the filing of the nomination papers substantially as provided in section 5 of the act, entitled "An act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States senator, and to repeal an act entitled an act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States senator, approved March 24, 1909," approved April 7, 1911, said act being also known and hereinafter referred to in this act as the "direct primary law:" Provided, That nomination papers for each of said candidates must be signed by not less than one per centum of the voters of his party in each congressional district of the State: And further provided, That no candidate for nomination for president need sign or file any petition, affidavit, declaration, statement or paper of any kind to get his name upon the ballot, but that in the event that any person who is presented as a candidate for nomination for president by the filing of nomination papers as herein provided for, shall, on or before the thirty-fifth day before the date of the presidential primary election, announce by an

affidavit, declaration, or statement filed in the office of the secretary of state, that he is not a candidate for nomination for president, and that he does not wish his name to be printed upon the ballot for said election, the said secretary of state shall not certify or transmit the name of such candidate to the respective county clerks or registrars of voters, and such name shall not be printed upon the ballots: And provided also, That verification deputies may be designated by any party supporter of any candidate for president, and the name of such supporter, followed by the words "a party supporter of" shall precede the name of the candidate in the form of affidavit for verification deputies provided for in said section 5 of said "direct primary law." The names of the several candidates for nomination for president together with the blank space for writing the name of such a candidate, and the headings for the same shall appear at the top and center of the ballot immediately below the instructions to voters, and shall be printed in heavy face, eight point, capital type. The order in which the names of the candidates for presidential nominee shall be printed upon the ballot, shall be the order in which the nomination papers of such candidates are filed with the secretary of state; and such names shall be printed one after the other in a horizontal line, each name being followed by a voting square, the space for the name and voting square together being headed by the words "For Presidential Nominee," printed in heavy face ten point gothic type, and occupying no less than two and one-half inches of horizontal space. This space shall be left blank above the "No Preference Column" provided for in section 5 of this act. Below the words "For Presidential Nominee" heading the blank space hereinbefore provided for, shall be the words "Blank Space" in six point gothic type. Above the words and spaces herein described shall be printed in heavy face twelve point gothic type the words "Vote for One as Your Choice for Presidential Nominee."

SEC. 3. The chairman of the state central committee of each of the political parties qualified to participate in the election provided for in this act shall notify the secretary of state on or before the first day of March of each bissextile or leap year as to the number of delegates to represent the state in the next national convention of his said party. If the state chairman, or any of them, fail to file such notice, it shall be the duty of the secretary of state to ascertain the said number of delegates from the call for said national convention issued by the national committee of each party whose chairman has failed to notify him as aforesaid.

The delegates who shall represent each political party at its national convention shall all be elected by the voters of the state at large. The secretary of state shall, on or before the tenth day of March of the year of the May presidential primary election, certify to the county clerk or registrar of voters of each county, or city and county, the number of delegates to be so elected by each of the political parties qualified to participate in the said election. Any political party shall be qualified to participate in the May presidential primary election which is qualified to participate in the September primary election according to the provisions of the "direct primary law."

SEC. 4. The names of persons to be voted upon as delegates to the respective national conventions of the several political parties shall be

printed upon the ballots of their respective parties upon the filing of nomination papers substantially in the form provided in section 5 of the "direct primary law:" Provided, That, in the case of each party, nomination papers for candidates for delegates must be signed by not less than one per centum of the voters of said party in each congressional district of the state: And provided also, That whenever a number of candidates for delegates join together in appointing the same verification deputies, and in filing statements with the secretary of state, as hereinafter provided in this section, setting forth that said candidates for delegates prefer the same person as candidate for presidential nominee, there may be filed upon the same nomination paper the names of as great a number of candidates for delegates from any party as the total number of delegates to be elected by said party, and no more than such number: And provided further, That when the number of names of candidates printed upon the same nomination paper exceeds the number of congressional districts in the state, but is less than twice the number of such districts, the names of such candidates thus grouped together shall be so selected that not more than three and not less than one of such candidates shall reside in any one congressional district, and that when the number of names of candidates printed upon the same nomination paper exceeds twice the number of congressional districts in the state, the names of such candidates thus grouped together shall be so selected that not more than four and not less than two of such candidates shall reside in any one congressional district; and if not so selected said names shall not be grouped together on the ballot, but shall appear as individuals.

Candidates for delegate grouped together on the same nomination paper and selected as aforesaid shall be similarly grouped, in the same order of names, upon the ballots of their party: Provided, That such group of candidates for delegate has the endorsement of that candidate for presidential nominee for whom the members of said group have filed a preference, or the endorsement of such a state political organization created in support of the candidacy of said presidential nominee as shall not be repudiated by him as lacking authority to make such endorsement; said endorsement, either of the candidate or of the organization supporting him, to be filed with the secretary of state. No candidates for delegate not thus endorsed shall have their names printed upon the ballot in a group, but such candidates must appear as individuals: And further provided, That the name of no candidate shall appear more than once on the ballot, and that any candidate whose nomination paper is filed in more than one group, or in the same group differently arranged, shall have his name printed on the ballot as a part of that group which has received the endorsement as herein recited: Provided, That one of the groups in which his name occurs has received such endorsement.

Each candidate for election as delegate to his national party convention must file with the secretary of state not later than the time of filing of the nomination papers containing his name, an affidavit substantially as provided in section 5 of the "direct primary law," and may also include with his affidavit the statement "I personally prefer —— as the nominee of my party for president of the United States" (filling in the blank by inserting his choice for such nominee). But his failure to include such statement shall not be a valid ground on the part of the

secretary of state for refusal to receive and file the nomination papers containing his name.

SEC. 5. The names of the candidates for delegate in any political party shall be arranged upon the ballots of such party in parallel columns each column standing directly underneath the space headed by the words, "For Presidential Nominee," and the various candidates for delegate appearing in these columns as determined by their preference for president, according to the provisions of section 4 of this act. The left-hand column shall be headed in heavy face, ten point, gothic type, "Candidate Preferring ————" (the blank being filled out by the surname of the first candidate for presidential nominee on the ballot, as determined by section 2 of this act). The second column shall be similarly headed, except that the surname of the candidate for presidential nominee shall be for the name second in the list of candidates for presidential nominee, and so on for as many candidates for presidential nominee as are printed at the top of the ballot in the list of such candidates. To the right of the last column headed by the surname of a candidate for presidential nominee shall be a column headed "No Preference Column," in which shall appear the names of all candidates for delegate who have expressed no preference for presidential nominee or who have expressed a preference for a candidate for presidential nominee other than the candidates for presidential nominee printed at the top of the ballot. Above this "No Preference Column," neither the words "For Presidential Nominee," nor the space for the name of such nominee shall appear. To the right of this last column shall be a column headed "Blank Column," which shall contain as many blank spaces as there are delegates to be elected by the political party concerned. In case that there are no names of candidates for delegate to be placed in a "No Preference Column," such "No Preference Column" shall be omitted from the ballot, and the "Blank Column" as herein provided for shall be placed to the right of and contiguous to the last column headed by the surname of a candidate for presidential nominee. In the event that two or more candidates for presidential nominee whose names are printed upon the same ballot have the same surname, the distinguishing names or initials of such candidates shall be prefixed to their respective surnames on said ballot, following the words "Candidates Preferring."

The names of the various candidates for delegate shall be printed in eight point, roman capital type, under their respective preferences for presidential nominee or in the no preference column, as heretofore provided in this act. The names of each group on the ballot shall be numbered in heavy face, eight point type. The order of names for each column upon the ballot shall be the same as the order in which such names were filed with the secretary of state: Provided, That above the individual names in each column shall appear the group of names, if any, which has received the endorsement referred to in section 4 of this act.

A blank column one-half inch wide shall be left upon the ballot opposite each group of names and to the right of the column of voting squares for the individual names and separated from it by a light dotted line, which blank column shall contain a square in which may be stamped a cross (X) which shall be counted as a vote for each and every name in the group opposite. Lengthwise along this blank column shall be

printed "A cross (X) stamped in this square shall be counted for each name of the group to the left." The line separating any name from any other name not in a group or from any group of names shall be heavier than any line separating the individual names in such group, and shall extend across the blank column provided for in this paragraph. Below the top line of this extension shall be printed in small heavy face type the words "top of group," and above the bottom line of the extension, the words "end of group."

SEC. 6. Each candidate for election as delegate to his national party convention may include with his affidavit the statement hereinafter set forth in this section; but his failure to include such statement shall not be a valid ground on the part of the secretary of state for refusal to receive and file his nomination paper or papers.

Such statement, if any be made, shall be in substantially the following form:

DELEGATE'S STATEMENT.

I hereby declare to the voters of my political party in the State of California that if elected as delegate to their national party convention, I shall, to the best of my judgment and ability, support that candidate for president of the United States who shall have received the highest number of votes cast throughout the entire state by the voters of my party for said office, at the May presidential primary election.

.....,

Signature of candidate for delegate.

SEC. 7. The delegates to each national party convention elected at the May presidential primary election, shall, before leaving the state to attend the convention, meet together and select alternates to the convention. The number of alternates to be selected shall be no greater than one for each delegate, and each alternate must be selected from the congressional district of the delegate for whom he is an alternate; and the method of selection shall be as determined upon by the majority of the whole number of delegates who have been elected to the convention. The duties of an alternate shall be those usually appertaining to that position, and as prescribed by each party in the call for its national convention. The alternate of any such delegate as may be unable to attend the convention, shall attend the convention in his place, and shall otherwise discharge the duties of said delegate.

SEC. 8. For purposes of the May presidential primary election, the original affidavits of registration and indexes used in the last general election in any county or city and county in this state may be used, together with the original affidavits of registration since the last election, and supplemental indexes, showing all additional registrations, changes and corrections made since the registration for the last general election, completed to and including the thirty-first day prior to said May presidential primary election, which shall be the last day on which any person may register or transfer registration so as to entitle said person to a vote at such primary. Any person registered in accordance with the provisions of this section, and who has stated his political affiliation in accordance with section 1096 of the Political Code, shall be qualified to vote at such election, and shall receive the ticket of that political party only with which he has declared himself affiliated. Any person

qualified by the provisions of this section to vote at any May presidential primary election shall also be qualified to sign the nomination papers of any person to be voted upon at such primary election.

SEC. 9. The ballot to be used at the May presidential primary election shall be prepared according to the provisions of sections 2, 4 and 5 of this act, and also according to such provisions of section 12 of the "direct primary law" as are applicable to this act and not in conflict with its provisions: Provided, That the words at the top of the ballot shall be "Official Presidential Primary Election Ballot," and that the instructions to voters shall be as follows: To vote for a person whose name appears on the ballot, stamp a cross (X) in the square at the right of the name of the person for whom you desire to vote; or if you wish to vote for all of a group of persons, stamp a cross (X) in the square opposite such group, which cross shall be counted for each name of the group. A group consists of candidates for delegate nominated on the same nomination paper. To vote for a person whose name is not printed on the ballot, write his name in the blank space provided for that purpose. There shall be printed in heavy face, twelve point, gothic type, across the page above the column of candidates for delegates, the words, "For Delegates to National Convention Vote for ———, either as individuals or by group, but do not vote for more than ———" (the blanks being filled in by the number of delegates to be elected by the political party concerned).

The ballot shall be printed substantially in the following form:*

SEC. 10. Accompanying the sample ballot for the May presidential primary election mailed to the voters of each political party, there shall be included for such party a sheet with the following title in twenty-four point capital type, biographical sketches of presidential candidates. Under this heading there shall appear in twelve point capital type the name of each candidate of such party for nomination for president for whom a biographical sketch is furnished, and below such name shall be printed in ten point type the biography of such candidate in no more than three hundred words. The biographical sketch of each candidate for presidential nomination shall be furnished by such candidate or by such state political organization created in support of his candidacy as shall not be repudiated by him in lacking authority to furnish such biographical sketch. Such biographical sketch shall be sent to the secretary of state together with the sum of two hundred dollars to defray the cost of its publication, at least forty days prior to the date of the May presidential primary election, and it shall be printed at the state printing office and sent to the county clerks or registrars of voters to be mailed with the sample ballots as aforesaid. The biographical sketches of all the candidates for presidential nomination of any party who appear upon the ballot of such party, and none other, shall be printed upon the same sheet, and shall appear in the same order as they appear upon the ballot. The sheet mailed to the voters by the county clerks or registrars of voters shall be the one which contains the biographies of such candidates for presidential nomination as appear upon the ballots mailed to the voters in the same envelope and no other sheet

*(Copy of ballot on file in Legislative Reference Department, Michigan State Library.)

shall be mailed. In the case of any political party for none of whose candidates any biographical sketch has been furnished, no sheet as hereinbefore provided shall be prepared or mailed.

SEC. 11. The provisions of the direct primary law as amended by the legislature of the State of California at its special session commencing on the twenty-seventh day of November, 1911, shall govern the May presidential primary election in so far as said provisions are applicable to said election and are not inconsistent with or in conflict with the provisions of this act.

SEC. 12. The first election under the provisions of this act is hereby called for, and shall be held throughout the State of California, on Tuesday, the fourteenth day of May, 1912. It shall be the duty of the secretary of state and the attorney general to prepare, on or before the first day of February, 1912, all forms necessary to carry out the provisions of this act, which forms shall be substantially followed in all presidential primary elections held in pursuance hereof.

SEC. 13. This act shall be known as the Presidential Primary Act.

SEC. 14. This act, inasmuch as it calls an election and provides the procedure therefor, shall, under the provisions of article IV, section 1 of the constitution, take effect immediately.

SEC. 15. All acts and parts of acts inconsistent with or in conflict with the provisions of this act are hereby repealed.

NEBRASKA.

Laws of 1911.

CHAPTER 46.

SECTION 5864. (Primaries, When and Where Held.) There shall be a primary election held at the regular polling place in each precinct on the third Tuesday in August, 1911, and annually thereafter, for the nomination of all candidates, except those exempted from the provisions of this act, to be voted for at the November election; also for a preference vote for United States senator whenever such senator is to be elected by the legislature at the next session thereof; a preference vote for president and vice-president of the United States in the year 1912 and every four years thereafter. In years that a president and vice-president are to be elected there shall be elected delegates to the national conventions and members of the national committee of the several parties: Provided, That in the year 1912 and every four years thereafter, said primary election shall be held on the forty-fifth day before the first Monday in June, and said day shall be the first day of registration of voters in all cities where registration is required. All officers whose nomination is provided for in this act shall, in the years for the election of president and vice-president, be nominated at the primary to be held on the forty-fifth day before the first Monday in June, instead of at the August primary elections, and all laws relating to the nomination of candidates, at the August primary election shall apply to the primary election hereby provided for. Any primary other than those provided for above shall be held on Tuesday, four weeks before the election, except in cities of the metropolitan class, and cities of the first class having over twenty-five

thousand inhabitants, wherein it shall be held on Tuesday, five weeks before the day of election.

SECTION 1a. Delegates to the national conventions shall be elected as follows: Four delegates shall be elected by the voters of the state at large; the remainder of the delegates shall be equally divided between the various congressional districts in the state, and the district delegates shall be elected by the voters of the various congressional districts in the state. Nominating petitions for delegates at large to national conventions and for members of national committees, shall contain the names of not less than five hundred electors of each congressional district of the party which such delegates and committeemen are to represent; and nominations for delegates to national conventions from congressional districts shall be sufficient if signed by five hundred (500) electors of the party which such delegates are to represent: Provided, That petitions of district delegates shall be signed by electors residing in at least two-thirds of the counties of said district: Provided, however, That in no case shall more than five per cent of the total vote of any political party in the state or in any congressional district be required to sign the petitions referred to in this section.

SECTION 1b. When candidates for offices of president and vice-president of the United States are to be nominated, every qualified elector of a political party subject to this act shall have opportunity to vote his preference, on his party nominating ballot, for his choice for one person to be the candidate of his political party for president and one person to be the candidate of his political party for vice-president of the United States; either by writing the names of such persons in blank spaces to be left in said ballot for that purpose, or by marking with a cross opposite the printed names of the persons of his choice, as in the case of other nominations. The names of any person shall be so printed on said ballot solely on the petition of their political supporters in Nebraska, without such persons themselves signing any petition or acceptance. The names of persons in such political party who shall be represented by petition of their supporters to be party candidates for president and vice-president of the United States shall be printed on the nominating ballot, and the ballots shall be marked, and the votes shall be counted, canvassed and returned in like manner and under the same conditions as to names, petitions and other matters, as far as the same are applicable, as the names and petitions of aspirants for the party nominations for the office of governor are now or may be by law required to be marked, filed, counted, canvassed and returned.

SECTION 1c. The secretary of state shall grant certificates of election to persons elected as members of the national committee and as delegates to national conventions of the several parties subject to the provisions of this act which certificates shall show the number of votes received in the state by each person of such delegate's political party for nomination as its candidates for president and vice-president.

NEW JERSEY.

Laws of 1911.

CHAPTER 183.

A supplement to an act, entitled "An act to regulate elections (revision of 1898)," approved April 4, 1898.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

III.

SEC. 12. All delegates and alternates to the national convention of the political parties before mentioned in this state shall be chosen at primary elections as hereafter provided.

SEC. 13. The chairman of the state committee of said political parties shall notify the secretary of state, on or before the fifteenth day of April in the year in which a president of the United States is to be elected, of the number of delegates at large, and the number of alternates at large, to be elected to the next national convention of his party, by the voters of the party throughout the state, and also the number of delegates and the alternates who are chosen to said national convention in the respective congressional districts or other territorial subdivisions of the state, as mentioned in said notification. If the state chairman, or either of them, shall fail to file such notice, it shall be the duty of the secretary of state to ascertain the said facts from the call for said national convention issued by the national committee of said party.

SEC. 14. The secretary of state shall, on or before the twentieth day of April in such year, certify to the county clerk of each county in this state the number of delegates and alternates at large to be chosen by each party as aforesaid, and the number of delegates and alternates to be chosen in each congressional district or other territorial subdivision of the state composed in whole or in part of the county of such county clerk.

SEC. 15. Not less than one hundred members of either of said political parties may file with the secretary of state, on or before the first day of May in any year of a presidential election, a petition requesting that the name of the therein endorsed shall be printed on the primary ticket of their political party as candidate for the position of delegate at large or alternate at large, to be chosen by the party voters throughout the state to the national convention of said party, or as a delegate or alternate to be chosen to said convention by the voters of any congressional district or other territorial subdivision of the state larger than a county. The signers to the petition for any delegate at large or alternate at large shall be legal voters resident in the state, and the signers for any delegate or alternate from any congressional district or subdivision greater than a single county shall be voters of such district or subdivision. The secretary of state shall, within five days thereafter, certify to each county clerk in this state said nominations for delegates and alternates at large, and the nominations for delegates or alternates for any congressional district or other territorial subdivision made up in part of the county of such county clerk.

SEC. 16. Not less than one hundred voters of either of said political parties resident in any congressional district, or other territorial subdivision of this state, situated within a single county, entitled under the call of their party to choose delegates and alternates to the said national convention of the party, may file with the county clerk on or before the first day of May in any presidential year, a petition requesting that the name of the person therein endorsed may be printed on the primary ticket of their party as a candidate for the position of delegate or alternate for said district or subdivision.

SEC. 17. Candidates for the position of delegates or alternates may be grouped together, and they also may have the name of the candidate for president whom they favor placed opposite their individual names, or opposite such groups, if they so request in their petitions, under the caption "Choice for President." The said petition shall be as near as may be in the form now required by law in the case of petitions for the nomination of delegates to state conventions of political parties in this state.

SEC. 18. Each county clerk shall forward, on or before the eighth day of May, to the clerk of each municipality in his county a statement of the persons whose names are to be printed on the primary ticket of each party as candidates for the position of delegates and alternates, filed with or certified to him as hereinbefore provided.

SEC. 19. Said municipal clerk shall cause to be printed official primary tickets for each political party containing the names of the persons for whom the party voters in his municipality are entitled to vote as candidates as aforesaid for the position of delegates and alternates to the national convention of such party. The form of said ballot shall be as near as may be the form authorized in section forty of this act.

IV.

SEC. 20. Each of said municipal clerks shall deliver to the clerk of each board of registry and election in his municipality, at the office of the municipal clerk, on or before Tuesday preceding the day of the primary as hereinafter provided, the poll book and the primary book made up in such election districts at the last preceding general and primary elections respectively, and the books and forms for writing down the names of voters, making out returns and the affidavits filed with him, and generally such things as such clerks are now required by law to furnish said boards for use at the annual primary election in September of each year, taking receipts therefor from said election clerk, and said election clerk shall deliver the same to the board of registry and election of which he is clerk in time for use at said primary election. On or before the day of the primary said municipal clerk shall also deliver to such board, at his office, the ballots and ballot boxes for each party. Said municipal clerk shall also procure the places for holding the primary elections herein provided for, which shall be as near as may be the same places used for the primary and general elections held in the fall of each year.

SEC. 21. Said primary election for the choice of said delegates and alternates of both political parties shall be held on the fourth Tuesday of May in each presidential year, from one to nine p. m. Said primary

elections shall be conducted by the members of the boards of registry and election, as near as may be in the manner now required by law for the conduct of the annual primary elections in September of each year, and the provisions of this act and of the act to which this act is a supplement, and of the acts amendatory thereof and supplemental thereto, shall apply as far as may be to the primary election held under this act, except as herein otherwise provided.

SEC. 22. Every voter whose name shall appear on the poll book of the last preceding general election in the election district in which he offers to vote, or who has been registered by affidavit as hereafter provided, shall be entitled to vote in the primary of his political party held under this act for the election of delegates and alternates to national conventions. No person shall be allowed to vote at said primary unless his name appears on said poll book, or unless he has been registered by affidavit as hereinafter provided, nor shall any voter be allowed to vote in the primary of one political party if his name appears in the primary book of the other political party as made up at the last preceding primary election in said election district.

SEC. 23. Any voter qualified to vote at a general election in this state, who did not vote at the general election preceding any primary election to be held under this act for the selection of delegates to national conventions, may register for said primary election and be entitled to vote thereat, by filing with the municipal clerk of his municipality, at least ten days prior to the day of the primary, an affidavit in the form now required by law for registering voters for any general election. From said poll books and affidavits, and from said primary books, the board of registry and election shall make up a primary registry list for said primary elections, with the letter "R" or the letter "D" opposite the names of those voters whose names appear in said primary books, respectively, and from said list shall be determined the right of each voter offering to vote at said primary. It shall be the duty of the municipal clerk in each municipality in the state to furnish to each board of registry and election in his municipality, at his office, on or before the Tuesday preceding said primary election for the selection of delegates to the national conventions, a sufficient number of official sample primary ballots of each party, and a sufficient number of one-cent stamped envelopes, to enable the said board to mail one copy of the sample primary ballot of each party to each voter who has registered for said primary election, and it shall be the duty of each of said boards to prepare and deposit in the postoffice on or before twelve o'clock on Wednesday preceding the said primary day, said stamped envelopes containing a copy of the sample primary ballot of each political party addressed to each voter whose name appears in the said registry list for said primary. Each of said boards shall give to the municipal clerk a receipt for the said sample ballots and envelopes, signed by one of their members, and shall return to said clerk the unused sample ballots and stamped envelopes, with a written statement signed by all the members of said board, to the effect that the remainder of said sample ballots and envelopes were actually mailed or posted as provided in this act. Each of said envelopes shall have printed on the face thereof in large type the words "Sample Primary Ballot" and in small type the words if not delivered in two days return to ——— (city or town clerk), and said

returned envelopes shall be retained by the municipal clerk for thirty days open to public inspection. Said sample ballots so mailed shall not be voted.

SEC. 24. The said sample primary ballots shall be as nearly as possible a facsimile of the official ballot to be voted at the said primary election, and shall be printed on paper different in color from the official primary ballot, so that the same may be readily distinguished from the official ballot. The sample ballot shall have printed at the top in large type the words, "This sample ballot is an exact copy of the ballot to be used on primary day. This ballot cannot be voted." The clerk of the board of registry and election shall also post such sample primary ballot in the polling place and five other public places in his district. It shall be unlawful for any election officer to accept from any voter and deposit in the ballot box any sample primary ballot.

SEC. 25. Each board of registry and election shall count and canvass the returns of said primary election at the close thereof, and forthwith deliver said returns, boxes, poll books of the preceding general election, affidavits, primary books, and list of voters voting in each primary, to the municipal clerk. Said clerk shall forthwith certify to the county clerk the result of the returns so filed with him. The county clerk shall ascertain from said certificates the persons who have received the highest number of votes for delegates and alternates to the national convention of each party, in the territorial division situated wholly within said county, and shall issue to such persons a certificate certifying to the fact of their selection as aforesaid. Said county clerk shall also forthwith forward to the secretary of state a statement showing the number of votes cast for each candidate for delegate or alternate to be chosen by the voters of each party throughout the state, or from the congressional or other territorial district larger than a single county, of which said county is a part. The secretary of state shall forthwith ascertain from said statements the persons in each party who have received the highest number of votes for delegates at large, alternates at large, and delegates and alternates chosen in each congressional or other territorial district larger than a single county, and shall forthwith issue to each of such persons a certificate certifying that said persons have been duly chosen as such delegates and alternates respectively. The persons receiving such certificates from the secretary of state, or any of the county clerks, shall be deemed to be chosen at said primary election as such delegates and alternates, respectively.

V.

SEC. 26. It shall be lawful for not less than one thousand voters of any political party in this state to file a petition with the secretary of state, on or before the first day of April in any year in which a president of the United States is to be chosen, requesting that the name of the person endorsed in said petition as a candidate of the said party for the office of the president of the United States shall be printed upon the official ballot of said party for the then ensuing election for delegates to the national convention of said party. Said petition shall be in the form required by law for the endorsement of a candidate for United States senator, but it shall not be necessary to have the consent of such

candidate for president endorsed on said petition; all the names need not be signed to the same original petition, but copies thereof may be made to which signatures may be attached, but every petition shall have annexed the affidavit of one or more of the signers that the other signers to the said petition signed the same in good faith for the purpose therein mentioned. The secretary of state shall certify the names so filed in his office to the county clerk of each county on or before the twenty-fifth day of April, and such county clerk shall forthwith certify the same to the municipal clerk of each municipality in his county on or before the twenty-ninth day of April, and the said municipal clerk shall cause said names so certified to be printed upon the primary tickets of the respective political parties for use at the next ensuing primary election for the election of delegates to the national convention of said parties under the heading "Choice for President." The voters at such primary election may indicate their preference among the candidates for president, whose names thus appear upon the ticket, by making a cross in the square at the right thereof. The votes so cast for such candidates for president shall be counted, canvassed and returned to the municipal clerk by the board of registry and elections, and shall be certified by such municipal clerk forthwith to the county clerk, who in turn shall forthwith certify them to the secretary of state, and the secretary of state shall publicly announce the vote cast for each candidate for president in each party, as shown by the said returns so filed in his office. In the event that any candidate for nomination, who is thus endorsed in a petition filed in the secretary of state's office, shall on or before the twenty-fifth day of April decline in writing, filed in the office of the secretary of state, to have his name printed upon said primary ticket, the said secretary of state shall not certify the name of such candidate to the respective county clerks.

NORTH DAKOTA.

Laws of 1911.

CHAPTER 208.

An Act to provide for the expression by the qualified voters of the several political parties of their choice for nomination by their party for president and vice-president of the United States; to provide for and regulate direct primary election for the election of said political party's delegates to their respective national conventions, fixing a time for said election and harmonizing therewith the time of city elections every presidential year, and for the payment of delegates' necessary expenses, not exceeding \$200 each, for the election of party candidates for the office of presidential elector, and for the election of national committeemen.

Be it enacted by the Legislative Assembly of the State of North Dakota:

1. In the presidential election years, the qualified electors of the political parties subject to this law shall have opportunity to vote for their preference, on ballots provided for that purpose, for their choice among those aspiring to be candidates of their respective parties for president and vice-president of the United States, shall have,

their party delegates to their national conventions, their presidential electors, and shall nominate and recommend their choice for national committeemen. The names of the aspirants in each such party for election for the office of president, for office of vice-president of the United States, for national committeemen, for delegates to their national convention, and for presidential electors, shall be printed on the party nominating ballot provided for that purpose, and the ballot shall be marked and the votes shall be counted, canvassed and returned under the same conditions as to names, petitions and other matters so far as the same are applicable, as the names and petitions of party aspirants for the party nominations for the office of governor and of the United States senator in congress are, or may be by law required to be marked, filed, counted, canvassed and returned: Provided, That aspirants for such presidential nominations need not file any personal petition nor signature; that certificates of the number of votes received by each such candidate shall be issued to the delegates who are elected for said party to the party national convention; that petitions to place on the nomination ballot the names and aspirants for such office or delegates to said national convention, presidential elector and national committeemen to be chosen and elected, as provided herein, shall be sufficient if they contain a number equal to one per cent of the party vote in the state at the next preceding election for representatives in congress, or not less than five hundred signatures of party voters. Every qualified voter shall have the right to vote for as many candidates for national delegates for his party and for the election of as many candidates for presidential electors as there are delegates and electors to be elected respectively, and each elector shall have a right to vote for one candidate of his party for national committeeman. A number of such candidates equal to the number of delegates to be elected and the number of presidential electors to be elected and the candidate for national committeeman, receiving, respectively, each for himself, the highest number of votes for such office or nomination, shall be declared elected.

2. On the eighth day after the election provided for herein, the county canvassing board shall meet as provided in section 582 of the revised code of 1905, and shall canvass the returns in the manner now provided by law. The powers and duties of the board shall be the same in so far as applicable, as now are prescribed by law for canvassing the returns of other elections.

3. For the purpose of ascertaining the results of the election provided for in this act, the state canvassing board shall meet at the office of the secretary of state on the first Tuesday in May after such election and the secretary of state shall notify the other members of the board of canvassers of such meeting.

4. All persons desiring to be candidates for delegates to the national convention of their party and all persons desiring to be candidates for presidential electors and for national committeemen of their party shall, not later than the first day of March of each year, when a presidential election will take place, file with the secretary of state their petitions, as provided herein.

5. It shall be the duty of the secretary of state immediately after the first day of March of each year in which a presidential election will take place to prepare and print ballots, at the expense of the state,

with the names of all candidates of each party for the offices named in this act. In printing such ballots the secretary of state shall be guided by the provisions of law now in force relating to the preparation and printing of ballots for general elections. The provisions of the general election law applicable relating to the distribution of ballots, posting of sample ballots and of notices of the election shall apply to the distribution of ballots, posting of sample ballots and of notices of the election herein provided for, except as otherwise required herein. The secretary of state shall distribute the ballots among the county auditors, who in turn must deliver the same to the inspectors of election in the voting precincts of their respective counties. Notices of the election provided for herein shall be given in the manner prescribed by law for giving notices of city, village and township elections in such cities, villages and townships and in any other precincts, notice of the election shall be given as now provided by law for general elections.

6. On the third Tuesday of March every fourth year, when a presidential election is to be held, the members of the respective political parties shall express their choice for the election of the persons and officers named in this act, and whose names appear upon the ballot according to the provisions herein. Each elector shall be handed the ballot of the party with which he declares himself affiliated, or with which he may have registered at the last preceding registration or election, and such elector shall mark and vote the same in the manner provided herein. The polls shall be opened the same hours as at general elections. For the purposes of the election herein provided for, in all cities, villages and civil townships the regular election officers thereof shall also act without further compensation as the election officers, and in unorganized townships and voting precincts outside of cities, villages and civil townships, the inspector and two judges of election, who acted as such at the last general election, or those who have been or may be appointed to fill such vacancies occurring in their offices, pursuant to law, shall act therein as the inspector and judges of election. In all matters not herein expressly otherwise provided for the provisions of any election law of this state, applicable to the case, shall govern. In every fourth year when a presidential election is held, the time of all city elections shall take place on the third Tuesday in March so as to conform to the provisions of this act, and in such event the city officers elected to office shall have until the second Tuesday of April in which to qualify for such office.

7. Every delegate to a national convention of a political party recognized as such organization by the laws of North Dakota, shall receive from the state treasurer the amount of his actual necessary traveling expenses, as his account may be audited and allowed by the secretary of state or state auditor, for actual attendance upon said convention, but not in any case to exceed two hundred dollars for one delegate. The election of such national delegates for political parties are not subject to the direct primary law shall be certified in like manner as nominations of candidates of such parties for election to public office. Every such delegate to a national convention which nominated candidates for president and vice-president shall subscribe an oath of office that he will uphold the constitution and the laws of the United States and North Dakota, and that he will, as such officer and delegate, to the best of his

judgment and ability, faithfully carry out the wishes of his political party as expressed by the voters at said election.

8. All acts or parts of acts in conflict with any of the provisions of this act are hereby repealed. Approved March 6, 1911.

OREGON.

Laws of 1911.

CHAPTER 5.

An Act to amend section 2 of the direct primary nominating elections law which was proposed by initiative petition and approved by the people of Oregon at the general election in June, 1904, and printed in the volume of the General Laws of Oregon for the year 1905, at pages 7 to 50 thereof; to provide for the expression by the qualified voters of the several political parties subject to the said direct primary law, of their choice for nomination by their party for president and vice-president of the United States; to provide for and regulate direct primary nominating elections for the election of said political parties' delegates to their respective national conventions, and for the payment of such delegates' necessary expenses, not exceeding two hundred dollars for any delegate; for the nomination of party candidates for the office of presidential elector; for space in the party and state campaign books to set forth the merits of aspirants for election and for nomination, and of candidates for the offices of president and vice-president of the United States, of candidates for offices to be voted for in the state at large, and of candidates for United States senators and representatives in congress.

Be it enacted by the people of the State of Oregon:

SECTION 1. That section 2 of the direct primary nominating elections law, which was proposed by initiative petition and enacted by the people of Oregon at the general election in June, 1904, as the same is printed in the volume of the General Laws of Oregon for the year 1905, at pages 7 to 50 thereof, be and the same is hereby amended to read as follows:

SEC. 2. On the forty-fifth day, preceding any election (except special elections to fill vacancies, presidential elections, municipal elections in towns or cities having a population of less than two thousand, and school elections) at which public officers in this state, and in any district or county, and in any city having a population of two thousand or more at which public officers are to be elected, except as provided in section 6 of this law as to time in certain cities and towns, a primary nominating election shall be held in accordance with this law in the several election precincts comprised within the territory for which such officers are to be elected at the ensuing election, which shall be known as the primary nominating election, for the purpose of choosing candidates by the political parties, subject to the provisions of this law, for senator in congress and all other elective state, district, county, precinct, city, ward and all other officers, and delegates to any constitutional convention or conventions that may hereafter be called, who are to be chosen at the ensuing election wholly by electors within this state or any subdivision

of this state, and also for choosing and electing the county central committeemen by the several parties subject to the provisions of this law: Provided:

(a) In the years when a president and vice-president of the United States are to be elected, said primary nominating election shall be held on the forty-fifth day before the first Monday in June of said year, and all laws pertaining to the nomination of candidates, registration of voters and all other things incident and pertaining to the holding of the regular biennial nominating election, shall be enforced and effected the same number of days before the first Monday in June that they were under the said nominating election law immediately before the change in the date of the regular election from the first Monday in June to the first Tuesday after the first Monday in November.

(b) When candidates for the offices of president and vice-president of the United States are to be nominated, every qualified elector of a political party subject to this law shall have opportunity to vote his preference, on his party nominating ballot, for his choice for one person to be the candidate of his political party for president, and one person to be the candidate of his political party for vice-president of the United States, either by writing the names of such persons in blank spaces to be left on said ballot for that purpose, or by marking with a cross before the printed names of the persons of his choice, as in the case of other nominations. The names of any persons shall be so printed on said ballots solely on the petition of their political supporters in Oregon, without such persons themselves signing any petition, signature or acceptance. The names of persons in such political party who shall be presented by petition of their supporters for nomination to be party candidates for the office of president or vice-president of the United States, shall be printed on the nominating official ballot, and the ballots shall be marked and the votes shall be counted, canvassed and returned in like manner and under the same conditions as to names, petitions and other matters, as far as the same are applicable, as the names and petitions of aspirants for the party nominations for the office of governor and for United States senator in congress are or may be by law required to be marked, filed, counted, canvassed and returned.

(c) The members of the political parties subject to this law shall elect their party delegates to their national conventions for the nomination of their party candidates for president and vice-president of the United States, and shall nominate candidates for their party presidential electors at such nominating election. The governor shall grant a certificate of election to each of the delegates so elected, which certificates shall show the number of votes received in the state by each person of such delegate's political party for nomination as its candidate for president and vice-president. Nominating petitions for the office of delegate to the respective party national conventions, to be chosen and elected at said nominating election, shall be sufficient if they contain a number of signatures of the members of the party equal to one per cent of the party vote in the state at the last preceding election for representative in congress, provided that not more than five hundred signatures shall be required on any such petition. Every qualified voter shall have the right at such nominating election to vote for the election of one person and no more to the office of national delegate for his party, and to vote for

the nomination of one aspirant and no more for the office of presidential elector as the candidate of his party. A number of such candidates equal to the number of delegates to be elected by each party which is subject to the provisions of this law, receiving, respectively, each for himself, the highest number of votes for such office, shall be thereby elected. Every political party subject to the provisions of this law shall be entitled to nominate, at said nominating election, as many candidates for the office of presidential elector as there are such officers to be elected; that number of aspirants in every such party who shall receive, respectively, each for himself the highest number of votes of his party for that nomination shall be thereby nominated, as a candidate of his political party for the office of presidential elector.

(d) Every delegate to a national convention of a political party recognized as such organization by the laws of Oregon, shall receive from the state treasury the amount of his traveling expenses necessarily spent in actual attendance upon said convention as his account may be audited and allowed by the secretary of state, but in no case to exceed two hundred dollars for each delegate: Provided, That such expenses shall never be paid to any greater number of delegates of any political party than would be allowed such party under the plan by which the number of delegates to the Republican national convention was fixed for the Republican party of Oregon in the year 1908. The election of such national delegates for political parties not subject to the direct primary nominating elections law shall be certified in like manner as nominations of candidates of such political parties for elective public offices. Every such delegate to a national convention to nominate candidates for president and vice-president, shall subscribe an oath of office that he will uphold the constitution and laws of the United States and of the State of Oregon, and that he will, as such officer and delegate, to the best of his judgment and ability faithfully carry out the wishes of his political party as expressed by its voters at the time of his election.

(e) The committee or organization which shall file a petition to place the name of any person on the nominating ballot of their political party to be voted for by its members for expression of their choice for nomination as the candidate for such party for president or vice-president of the United States, shall have the right, upon payment therefor, to four pages of printed space in the campaign books of such political party provided for by sections 4 and 5 of the law proposed by initiative petition and enacted by the people of Oregon at the general election in June, 1908, entitled "A bill to propose by initiative petition a law to limit candidates' election expenses; to define, prevent and punish corrupt and illegal practices in nominations and elections; to secure and protect the purity of the ballot; to amend section 2775 of Bellinger and Cotton's Annotated Codes and Statutes of Oregon; to provide for furnishing information to the electors and to provide the manner of conducting contests for nominations and elections in certain cases," as printed on pages 15 to 38 of the General Laws of Oregon for the year 1909. In this space said committee shall set forth their statement of the reasons why such person should be voted for and chosen by the members of their party in Oregon and in the nation as its candidate. Any qualified elector of any such political party who favors or opposes the nomination of any person by his own political party as its candidate for president or vice-president

of the United States, may have not exceeding four pages of space in his aforesaid party nominating campaign book, at a cost of one hundred dollars per printed page, to set forth his reasons therefor.

(f) Every person regularly nominated by a political party, recognized as such by the laws of Oregon, for president or vice-president of the United States, or for any office to be voted for by the electors of the state at large, or for senator or representative in congress shall be entitled to use four pages of printed space in the state campaign book provided for by sections 6 and 7 of the above entitled "law to limit candidates' election expenses; to define, prevent and punish corrupt and illegal practices in nominations and elections; to secure and protect the purity of the ballot; to amend section 2775 of Bellinger and Cotton's Annotated Codes and Statutes of Oregon; to provide for furnishing information to the electors and to provide the manner of conducting contests for nominations and elections in certain cases," as printed on pages 15 to 38 of the volume of the General Laws of Oregon for 1909. In this space, the candidate, or his supporters with his written permission filed with the secretary of state, may set forth the reasons why he should be elected. No charges shall be made against candidates for president and vice-president of the United States for this printed space. The other candidates above named shall pay at the rate of one hundred dollars per printed page for said space, and said payment shall not be counted as a part of the ten per cent of one year's salary that each candidate is allowed to spend for campaign purposes. If this bill shall be approved by the people the title of the bill shall stand as the title of the law.

SOUTH DAKOTA.

Laws of 1911.

CHAPTER 201.

SEC. 24. Hereafter all party candidates for all the elective congressional, state, county, legislative and district offices, and for the office of United States senator and presidential electors, and all party delegates and alternate delegates to the national conventions and all precinct, county, state and national committeemen, party state chairman and majority and minority proposal committeemen shall be nominated, and party representatives selected, at the primary held in accordance with the provisions of this act. All other proposals of such candidates shall be by petition in the manner now provided by law.

SEC. 45. Party presidential electors and delegates and alternate delegates to national political party convention shall be chosen by each political party at the March primary, quadrennially: Provided, however, That in order to save time in issuing credentials to such delegates the county canvassing boards immediately upon canvassing the votes for delegates to the national convention, shall forward to the proper party chairman of the party state committee an abstract showing the vote cast for the candidates for delegates and alternates in the several counties of the state, and such state chairman and the secretary of said committee shall have the power, and it shall be their duty, to canvass the same and to issue credentials to the delegates and alternates who have received the highest number of votes in the state.

WISCONSIN.

Law Relating to Election of Delegates to National Convention; Direct Vote for Presidential Candidates; Nomination of Presidential Electors.

(Ch. 369, 1905, as amended by ch. 512, 1907, ch. 483, 1909, ch. 300, 1911.)

Election, when held. Section 11-26. 1. There shall be chosen at an election held in each precinct of the state on the first Tuesday of April in each year in which electors for president and vice-president of the United States are to be elected, delegates to the national convention of each party, to nominate candidates for president and vice-president.

How conducted; expenses. 2. Except as herein otherwise provided, such elections shall be noticed, held and conducted and the results canvassed and returned in the same manner that elections of judges of the supreme and circuit courts are noticed, held and conducted and the results canvassed and returned. The expense incurred in the preparation for or conducting such election shall be paid in the same manner and by the same officers as in the case of said judicial elections.

Delegates at large; election. 3. The four candidates for delegates at large of each political party, receiving the highest number of votes, shall be the delegates at large.

District delegates; election. 4. The two candidates for delegates of each political party, in each congressional district, receiving the highest number of votes shall be delegates from such district.

Alternates, chosen by state central committee. 5. It shall be the duty of the state central committee of each political party between the holding of such election and at least fifteen days prior to the holding of the party national convention, to meet and elect four alternate delegates at large and two alternate delegates from each congressional district. Said meeting shall be called by the chairman of the party state central committee, upon at least ten days' notice.

Names of candidates for president and vice-president may be placed on ballot. 6. For the purpose of enabling every voter to express his choice for the nomination of candidates for president and vice-president of the United States, whenever there shall be filed with the secretary of state a petition as provided by section 30 of the statutes, the names of such candidates shall be certified to the county clerks, and shall be printed upon the official party ticket used at said election. No signature, statement, or consent shall be required to be filed by any such candidate.

Delegates, how nominated. Section 11-27. 1. Nominations for candidates for delegates shall be made by nomination papers, in the manner provided by law for nomination of candidates to be voted for at a general election.

Nomination papers, filing. 2. No political party shall be entitled to participate in the election of delegates unless nomination papers have been filed with the secretary of state as provided herein.

Official ballot; form. Section 11-28. 1a. An official ballot shall be printed and provided for use at each voting precinct in the form provided herein and annexed hereto. The names of all candidates for dele-

gates for whom nomination papers prescribed shall have been duly filed, shall be printed thereon.

b. The names of the candidates for president and vice-president shall be placed first, in each party column underneath the party designation and immediately above the names of said candidates, respectively, shall appear the words, "for president," "for vice-president."

Arrangement of party tickets. 2. Said official ballot shall be made up of the several party tickets, arranged alphabetically according to party name, all of which shall be securely fastened together at the top and folded, provided that there shall be as many separate tickets as there are parties entitled to participate in said election.

Names, rotated. 3. The names of all candidates shall be arranged alphabetically according to surname under the appropriate title and under the proper party designation upon the party ticket and rotated in accordance with the provisions of section 33 of the statutes as amended by this act.

How voted; separate ballot box. 4. After preparing his ballot, the elector shall detach the same from the remaining tickets and fold it so that its face will be concealed and the printed endorsements and signatures or initials thereon seen. The remaining tickets attached together shall be folded in like manner by the elector who shall thereupon, without leaving the polling place, vote the marked ballot forthwith and deposit the remaining tickets in a separate ballot box to be marked and designated as the blank ballot box.

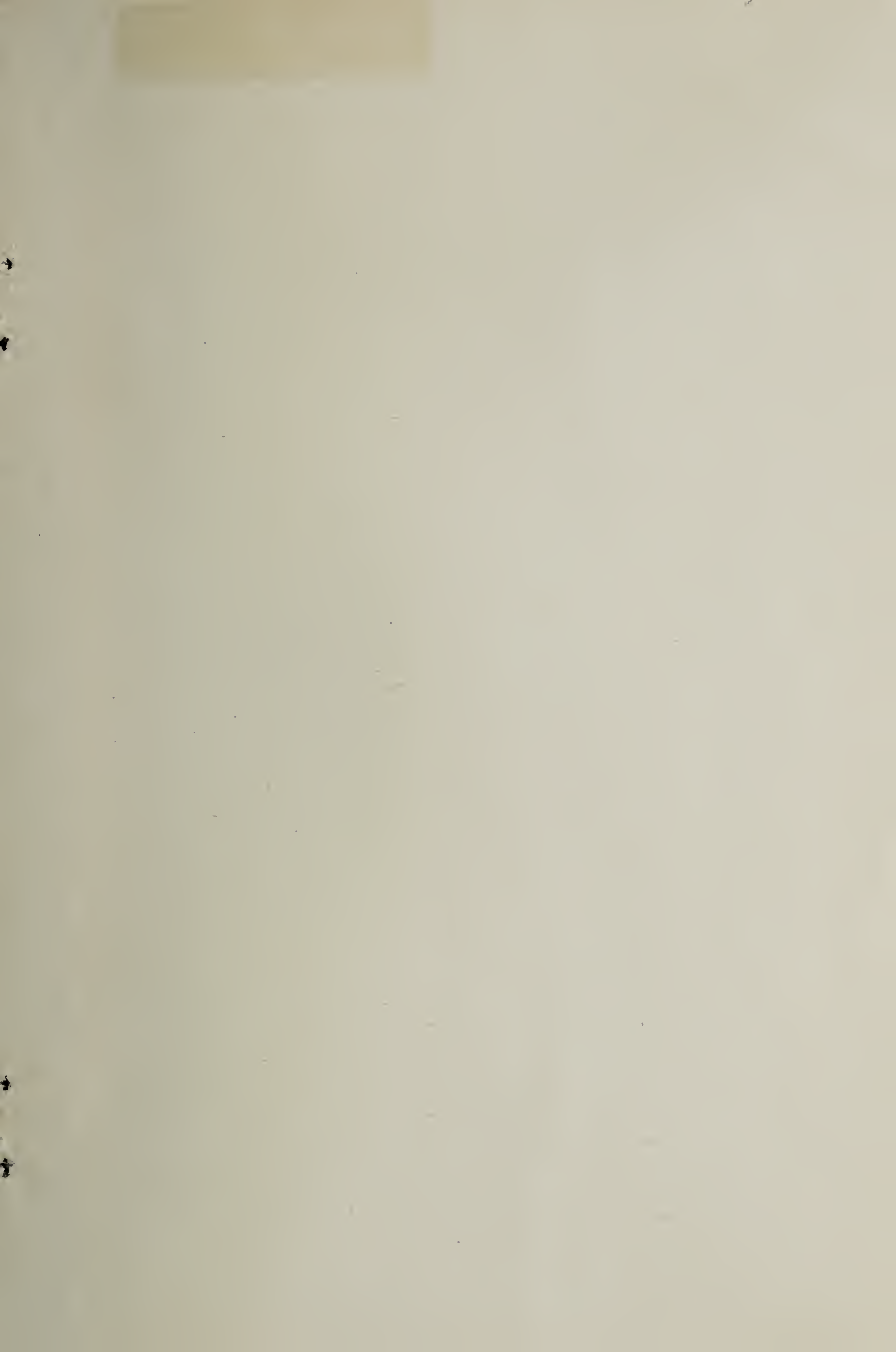
Tickets, destroyed. 5. Immediately after the canvass the inspectors shall, without examination, destroy the tickets deposited in the blank ballot box.

Defective votes. 6. Whenever any elector shall vote for more than four delegates at large his vote shall not be counted for any of such delegates. Whenever any elector shall vote for more than two district delegates his vote shall not be counted for any such delegates.

Form of ballot. 7. The official ballot for the election of delegates to the national convention shall be in substantially the same form marked "A."

¹Presidential electors, how nominated. Section 11—29. The delegates of each party chosen at said election to attend the national convention shall meet on the third Tuesday of April, succeeding such election, and nominate, by a majority vote, one elector for president and vice-president from each congressional district, and two such electors from the state at large. The names of such nominees shall be immediately certified by the chairman and secretary of the meeting to the secretary of state.

¹Section 11—22, Primary Law, amended by Ch. 300, 1911, to conform to this section.





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